



UNITED STATES DEPARTMENT OF COMMERCE
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08/270631

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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08/270,631 07/01/94 CONTAG

C 86000146

EXAMINER

SHAVER, J

18N1/0723

ART UNIT

PAPER NUMBER

1802

1586/C

DATE MAILED: 07/23/96

ent. 55
7/18/96

NOTICE OF ALLOWABILITY

PART I.

- 1 This communication is responsive to andt B
- 2 All the claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice Of Allowance And Issue Fee Due or other appropriate communication will be sent in due course.
- 3 The allowed claims are 1-3, 6, 8-12, 14-16 + 20-27 (now claims 1-20)
- 4 The drawings filed on _____ are acceptable.
- 5 Acknowledgment is made of the claim for priority under 35 U.S.C. 119. The certified copy has [] been received. [] not been received [] been filed in parent application Serial No. _____ filed on _____
- 6 Note the attached Examiner's Amendment
- 7 Note the attached Examiner Interview Summary Record, PTOL-413
- 8 Note the attached Examiner's Statement of Reasons for Allowance
- 9 Note the attached NOTICE OF REFERENCES CITED, PTO-892
- 10 Note the attached INFORMATION DISCLOSURE CITATION, PTO-1449.

PART II.

A SHORTENED STATUTORY PERIOD FOR RESPONSE to comply with the requirements noted below is set to EXPIRE THREE MONTHS FROM THE "DATE MAILED" indicated on this form. Failure to timely comply will result in the ABANDONMENT of this application. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- 1 Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION, PTO-152, which discloses that the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED
- 2 APPLICANT MUST MAKE THE DRAWING CHANGES INDICATED BELOW IN THE MANNER SET FORTH ON THE REVERSE SIDE OF THIS PAPER.
 - a Drawing informalities are indicated on the NOTICE RE. PATENT DRAWINGS, PTO-948, attached hereto or to Paper No. 16 CORRECTION IS REQUIRED
 - b The proposed drawing correction filed on _____ has been approved by the examiner CORRECTION IS REQUIRED
 - c Approved drawing corrections are described by the examiner in the attached EXAMINER'S AMENDMENT. CORRECTION IS REQUIRED.
 - d Formal drawings are now REQUIRED

Any response to this letter should include in the upper right hand corner, the following information from the NOTICE OF ALLOWANCE AND ISSUE FEE DUE, ISSUE BATCH NUMBER, DATE OF THE NOTICE OF ALLOWANCE, AND SERIAL NUMBER.

Attachments:

- Examiner's Amendment
- Examiner Interview Summary Record, PTOL- 413
- Reasons for Allowance
- Notice of References Cited, PTO-892
- Information Disclosure Citation, PTO-1449
- Notice of Informal Application, PTO-152
- Notice re Patent Drawings, PTO-948
- Listing of Bonded Draftsmen
- Other

Serial Number: 08/270,631
Art Unit: 1802

Part III EXAMINER'S AMENDMENT

1. An Examiner's Amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 C.F.R. § 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the Issue Fee.

Authorization for this Examiner's Amendment was given in a telephone interview with Albert P. Haluin on July 17, 1996.

Claims 4, 5, 7, 13, 17, 18 and 19 have been cancelled.

Claims 1-3, 6, 8-12, 14-16 and 20-27 are allowed and have been re-numbered in consecutive order.

2. The application has been amended as follows:

In claim 1, line 4 ~~or delete "or transformed cell"~~, please add after "moiety" in line 4 ~~--or a transformed cell expressing the light-generating moiety--~~.

In claim 9, line 3, please replace the phrase "biocompatible entity" by ~~c2~~ entity under study.

In claim 14, line 2, please replace the phrase "biocompatible entity" by ~~c3~~ entity under study.

In claim 16, line 2, please replace the phrase "a biocompatible entity" by ~~c4~~ an entity under study. In line 5 of claim 16, please add after "moiety" ~~--or a transformed cell expressing the light-generating moiety--~~.

3. The following is an Examiner's Statement of Reasons for Allowance:

Although the word "opaque" in a strict sense means impervious to the passage of light, as no other terminology or alternative language could be found which would convey the same inventive concept it remains in the claims, but its meaning

should be interpreted as defined in the specification on page 12, lines 22-27.

Any comments considered necessary by applicant must be submitted no later than the payment of the Issue Fee and, to avoid processing delays, should preferably **accompany** the Issue Fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Papers related to this application may be submitted to Group 1800 by facsimile transmission. Papers should be faxed to Group 1800 via the PTO Fax Center located in Crystal Mall 1. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The Group 1802 Fax number is (703) 305-7939 which is able to receive transmissions 24 hours/day, 7 days/week.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer E. Shaver whose telephone number is (703) 308-1742. The examiner can normally be reached on Monday-Friday from 7:00 AM-4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Housel, can be reached on (703) 308-4027.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0196.

James C. Housel
JAMES C. HOUSEL 7/22/96
SUPERVISORY PATENT EXAMINER
GROUP 180

Serial Number: 08/270,631
Art Unit: 1802

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UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

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Washington, D.C. 20231

18N1/0723

DEHLINGER & ASSOCIATES
PO BOX 60850
PALO ALTO CA 94306

NOTICE OF ALLOWANCE
AND ISSUE FEE DUE

- Note attached communication from the Examiner
 This notice is issued in view of applicant's communication filed _____

SERIES CODE/SERIAL NO.	FILING DATE	TOTAL CLAIMS	EXAMINER AND GROUP ART UNIT	DATE MAILED
08/270 621	07/01/94	020	SHOVER, T	1902 07/23/96
First Named Applicant	CONTACT	CHRISTOPHER H.		
TITLE OF INVENTION	NON-INVASIVE LOCALIZATION OF A LIGHT-EMITTING CONJUGATE IN A MAMMAL			
ATTY'S DOCKET NO.	CLASS-SUBCLASS	BATCH NO.	APPLN. TYPE	SMALL ENTITY
1 8A0000146	424-009 100	039	UTILITY	YES \$625.00 10/23/96

**THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT.
PROSECUTION ON THE MERITS IS CLOSED.**

THE ISSUE FEE MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED.

HOW TO RESPOND TO THIS NOTICE:

- I. Review the SMALL ENTITY Status shown above.
If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:
A. If the status is changed, pay twice the amount of the FEE DUE shown above and notify the patent and Trademark Office of the change in status, or
B. If the Status is the same, pay the FEE DUE shown above.

- II. Part B of this notice should be completed and returned to the Patent and Trademark Office (PTO) with your ISSUE FEE. Even if the ISSUE FEE has already been paid by charge to deposit account, Part B should be completed and returned. If you are charging the ISSUE FEE to your deposit account, Part C of this notice should also be completed and returned.
III. All communications regarding this application must give series code (or filing date), serial number and batch number. Please direct all communication prior to issuance to Box ISSUE FEE unless advised to contrary.

If the SMALL ENTITY is shown as NO:

- A. Pay FEE DUE shown above, or
B. File verified statement of Small Entity Status before, or with, pay of 1/2 the FEE DUE shown above.

IMPORTANT REMINDER: Patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.